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12 **UNITED STATES DISTRICT COURT**

13 **CENTRAL DISTRICT OF CALIFORNIA**

14

15 GEORGE GONZALEZ,

16 Plaintiff,

17 vs.

18 STATE OF CALIFORNIA; CITY OF
19 HEMET; PATRICK SOBASZEK;
20 ANDREW REYNOSO; SEAN IRICK;
and DOES 1-10, inclusive,

21 Defendants.

Case No.: 5:25-cv-00331-KK-DTB

[Honorable Kenly Kiya Kato]
Magistrate Judge David T. Bristow

22

23 **PLAINTIFF'S FIRST AMENDED
COMPLAINT FOR DAMAGES**

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- 28
1. Fourth Amendment—Excessive Force (42 U.S.C. §1983)
 2. Municipal Liability—Ratification (42 U.S.C. §1983)
 3. Municipal Liability—Inadequate Training (42 U.S.C. §1983)
 4. Municipal Liability—Unconstitutional Custom, Practice, or Policy (42 U.S.C. §1983)
 5. Battery
 6. Negligence
 7. Violation of Cal. Civil Code §52.1

DEMAND FOR JURY TRIAL

COMPLAINT FOR DAMAGES

2 COMES NOW, Plaintiff GEORGE GONZALEZ, for his Complaint against
3 Defendants STATE OF CALIFORNIA, by and through the California Highway
4 Patrol (“CHP”); CHP Officer SEAN IRICK; and CITY OF HEMET; and Hemet
5 Police Department Officers PATRICK SOBASZEK and ANDREW REYNOSO; and
6 DOES 1-10, inclusive, and allege as follows:

JURISDICTION AND VENUE

9 1. This Court has jurisdiction over Plaintiff's claims pursuant to 28
10 U.S.C. §§1331 and 1333(a)(3)-(4) because Plaintiff asserts claims arising under
11 the laws of the United States, including 42 U.S.C. §1983 and the Fourth
12 Amendment of the United States Constitution.

13 2. This Court has supplemental jurisdiction over Plaintiff's claims
14 arising under state law pursuant to 28 U.S.C. §1337(a), because those claims are
15 so related to the federal claims that they form part of the same case or
16 controversy under Article III of the United States Constitution.

17 3. Venue in this judicial district is proper pursuant to 28 U.S.C.
18 §1391(b) because all incidents, events, and occurrences giving rise to this action
19 occurred within this district.

20 4. On or around July 8, 2024, Plaintiff served his comprehensive and
21 timely claim for damages with the CITY OF HEMET and the STATE OF
22 CALIFORNIA pursuant to applicable sections of the California Government
23 Code. On July 15, 2024, the CITY OF HEMET rejected Plaintiff's claim. On
24 August 15, 2024, the STATE OF CALIOFRNIA rejected Plaintiff's claim.

INTRODUCTION

27 5. This civil rights and state tort action arises out of the January 24,
28 2024, use of excessive and unreasonable force, including deadly force, on

1 Plaintiff GEORGE GONZALEZ by Defendant Officer PATRICK SOBASZEK
2 and Defendant Sergeant ANDREW REYNOSO, both CITY OF HEMET Police
3 Officers, as well as Defendant Officer SEAN IRICK, a STATE OF
4 CALIFORNIA Highway Patrol Officer. Plaintiff seeks compensatory damages,
5 punitive damages, attorneys' fees, and costs from Defendants for violating
6 various rights guaranteed to Plaintiff by the Bill of Rights, the United States
7 Constitution, the California Constitution, and the laws of the State of California.

8 6. Defendants PATRICK SOBASZEK, ANDREW REYNOSO, SEAN
9 IRICK, and DOES 1-10, inclusive, caused various injuries by directly shooting
10 Plaintiff who was not an immediate threat of death or serious bodily injury as
11 described herein, and/or by integrally participating or failing to intervene in the
12 use of excessive and unreasonable force used against Plaintiff.

13 7. This action is in the public interest as Plaintiff seeks by means of
14 this action to hold accountable those responsible for the shooting, and serious
15 bodily injury inflicted by Defendants.

16

17

PARTIES

18 8. At all relevant times, Plaintiff GEORGE GONZALEZ
19 ("GONZALEZ") is and was an individual residing in the County of Riverside,
20 California.

21 9. At all relevant times, Defendant CITY OF HEMET ("CITY") is and
22 was a municipal corporation existing under the laws of the State of California.
23 CITY is a chartered subdivision of the State of California with the capacity to
24 be sued. CITY is responsible for the actions, omissions, policies, procedures,
25 practices, and customs of its various agents and agencies, including the Hemet
26 Police Department ("HPD") and its agents and employees. At all relevant times,
27 Defendant CITY was responsible for assuring that the actions, omissions,
28 policies, procedures, practices, and customs of the HPD and its employees and

1 agents complied with the laws of the United States and of the State of California.
2 At all relevant times, CITY was the employer of Defendant Officer PATRICK
3 SOBASZEK, Defendant Sergeant ANDREW REYNOSO, and DOES 1-7,
4 inclusive. As set forth below, Plaintiff GONZALEZ alleges that Defendant
5 CITY is directly liable for compensatory damages under federal law pursuant to
6 *Monell v. Department of Soc. Svcs.*, 436 U.S. 658 (1978) and its progeny.
7 Plaintiff GONZALEZ further alleges that Defendant CITY is vicariously liable
8 for compensatory damages under Plaintiff's state law claims, given Plaintiff's
9 allegations that the officers who committed the acts and omissions complained
10 of herein were acting in the course and scope of their employment at the time
11 that the acts and omissions occurred. Plaintiff makes no claim for punitive
12 damages against the Defendant CITY.

13 10. At all relevant times, Defendant PATRICK SOBASZEK
14 ("SOBAZCEK") was a duly appointed CITY Officer and/or employee or agent
15 of CITY, subject to the oversight and supervision of CITY'S elected and non-
16 elected officials. At all relevant times, Defendant SOBASZEK acted under color
17 of law, to wit, under the color of the statutes, ordinances, regulations, policies,
18 customs, and usages of Defendant CITY, the HPD, and under the color of the
19 statutes and regulations of the State of California. At all relevant times,
20 Defendant SOBASZEK acted within the course and scope of his employment as
21 a CITY police officer. On information and belief, Defendant SOBASZEK is and
22 was at all relevant times a resident of this judicial district. Defendant
23 SOBASZEK used excessive and unreasonable deadly force against Plaintiff
24 SOLIS.

25 11. At all relevant times, Defendant ANDREW REYNOSO
26 ("REYNOSO") was a duly appointed CITY Sergeant and/or employee or agent
27 of CITY, subject to the oversight and supervision of CITY'S elected and non-
28 elected officials. At all relevant times, Defendant REYNOSO acted under color

1 of law, to wit, under the color of the statutes, ordinances, regulations, policies,
2 customs, and usages of Defendant CITY, the HPD, and under the color of the
3 statutes and regulations of the State of California. At all relevant times,
4 Defendant REYNOSO acted within the course and scope of his employment as
5 a CITY police officer. On information and belief, Defendant REYNOSO is and
6 was at all relevant times a resident of this judicial district. Defendant REYNOSO
7 used excessive and unreasonable deadly force against Plaintiff GONZALEZ.

8 12. At all relevant times, Defendants DOES 1-4 (“HPD DOE
9 OFFICERS”) were Officers for the HPD, including but not limited to patrol
10 officers, crisis negotiations officers, corporals, sergeants, field training officers,
11 dispatchers, and other officers and agents of HPD. HPD DOE OFFICERS were
12 acting under color of law within the course and scope of their duties as officers
13 for the HPD. HPD DOE OFFICERS were acting with complete authority and
14 ratification of their principal, Defendant CITY.

15 13. Defendants DOES 5-7 (“DOE SUPERVISORS”) are supervisory
16 officers, officials, agents, and/or employees for the HPD who were acting under
17 color of law within the course and scope of their duties as officials for the HPD.
18 DOE SUPERVISORS were acting with complete authority and ratification of
19 their principal, Defendant CITY. Defendants DOE SUPERVISORS are
20 managerial, supervisorial, and policymaking employees of the HPD, who were
21 acting under color of law within the course and scope of their duties as
22 managerial, supervisorial, and policymaking employees for the HPD. DOE
23 SUPERVISORS were acting with complete authority and ratification of their
24 principal, Defendant CITY.

25 14. At all relevant times, Defendant STATE OF CALIFORNIA
26 (“STATE”) has the capacity to be sued. STATE is responsible for the actions,
27 omissions, policies, procedures, practices, and customs of its various agents and
28 agencies, including the California Highway Patrol (“CHP”) and its agents and

1 employees. At all relevant times, Defendant STATE was responsible for
2 assuring that the actions, omissions, policies, procedures, practices, and customs
3 of the CHP and its employees and agents complied with the laws of the United
4 States and of the State of California. At all relevant times, STATE was the
5 employer of Defendant California Highway Patrol Officer SEAN IRICK and
6 Defendant DOES 8-10, inclusive. Defendant STATE and CHP are not being
7 sued individually or directly by this action but are parties to this action under
8 the theory of *respondeat superior* as Defendant STATE is vicariously liable for
9 the actions of its CHP officers.

10 15. At all relevant times, Defendant SEAN IRICK (“IRICK”) was a duly
11 appointed STATE CHP Officer and/or employee or agent of CHP, subject to the
12 oversight and supervision of STATE’S elected and non-elected officials. At all
13 relevant times, Defendant IRICK acted under color of law, to wit, under the
14 color of the statutes, ordinances, regulations, policies, customs, and usages of
15 Defendant STATE, the CHP, and under the color of the statutes and regulations
16 of the State of California. At all relevant times, Defendant IRICK acted within
17 the course and scope of his employment as a CHP officer. On information and
18 belief, Defendant IRICK is and was at all relevant times a resident of this
19 judicial district. Defendant IRICK used excessive and unreasonable deadly force
20 against Plaintiff GONZALEZ.

21 16. At all relevant times, Defendant DOES 8-10 (“CHP DOE
22 OFFICERS”) were and are duly appointed CHP officers and/or employees or
23 agents of Defendant STATE, including but not limited to patrol officers, crisis
24 negotiations officers, corporals, sergeants, and field training officers, subject to
25 the oversight and supervision of STATE’S elected and non-elected officials. At
26 all relevant times, CHP DOE OFFICERS acted under color of law, to wit, under
27 the color of the statutes, ordinances, regulations, policies, customs, and usages
28 of Defendant STATE, the CHP, and under the color of the statutes and

1 regulations of the State of California. At all relevant times, CHP DOE
2 OFFICERS acted within the course and scope of his employment as a STATE
3 officer. On information and belief, CHP DOE OFFICERS are and were at all
4 relevant times residents of this judicial district. Defendant CHP DOE
5 OFFICERS used excessive and unreasonable deadly force against Plaintiff
6 GONZALEZ. This action is being brought against Defendant CHP DOE
7 OFFICERS in their individual capacity only.

8 17. The true names and capacities, whether individual, corporate,
9 association or otherwise of Defendants DOES 1-10, inclusive, are unknown to
10 Plaintiff, who otherwise sues these Defendants by such fictitious names.
11 Plaintiff will seek leave to amend this complaint to show the true names and
12 capacity of these Defendants when they have been ascertained. Each of the
13 fictitiously named Defendants is responsible in some manner for the conduct or
14 liabilities alleged herein.

15 18. At all times mentioned herein, each and every defendant was the
16 agent of each and every other defendant and had the legal duty to oversee and
17 supervise the hiring, conduct, and employment of each and every defendant.

18 19. All the acts complained of herein by Plaintiff against Defendants
19 were done and performed by said Defendants by and through their authorized
20 agents, servants, and/or employees, all of whom at all relevant times herein were
21 acting within the course, purpose, and scope of said agency, service, and/or
22 employment capacity. Also, Defendants and their agents ratified all the acts
23 complained herein.

24 20. All Defendants who are natural persons, including Defendants
25 SOBAZSEK, REYNOSO, IRICK, and DOES 1-10, inclusive, are sued in their
26 individual capacity, and punitive damages are only being requested as to these
27 Defendants only, and not Defendants CITY or STATE.

28

1 21. Pursuant to Cal. Govt. Code §815.2(a), Defendants CITY and
2 STATE are vicariously liable for the nonfeasance and malfeasance of the
3 individual Defendants, including Defendants SOBAZSEK, REYNOSO, IRICK,
4 and DOES 1-10, inclusive, as alleged by Plaintiff's state law claims. ("A public
5 entity is liable for injury proximately caused by an act or omission of an
6 employee of the public entity within the scope of his employment if the act or
7 omission would, apart from this section, have given rise to a cause of action
8 against that employee or his personal representative."). The individual
9 Defendants, including Defendants SOBAZSEK, REYNOSO, IRICK, and DOES
10 1-10, inclusive, are liable for their nonfeasance and malfeasance pursuant to Cal.
11 Civ. Code §820(a). Defendant CITY and STATE are also liable pursuant to Cal.
12 Govt. Code §815.6.

13

14 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

15 22. Plaintiff repeats and re-alleges each and every allegation in
16 paragraphs 1 through 21 of this Complaint with the same force and effect as if
17 fully set forth herein.

18 23. On January 24, 2024, at approximately 8:30 p.m., at or around the
19 500 block of B St., in the City of Beaumont, County of Riverside, California,
20 Defendants SOBAZSEK, REYNOSO, and IRICK each individually used
21 excessive and unreasonable force, including deadly force, against Plaintiff
22 GONZALEZ and employed negligent tactics, including their individual and
23 collective pre-shooting conduct and tactics and when each of them shot Plaintiff
24 multiple times including in the back and while he was on the ground.

25 24. On information and belief, Defendants SOBAZSEK, REYNOSO,
26 IRICK, and DOES 1-10 were not responding to a serious or violent crime, the
27 Defendants did not have any information that Plaintiff GONZALEZ had just
28 committed or was about to commit a serious or violent crime and had no

1 information that Plaintiff GONZALEZ had just harmed or was threatening to
2 harm any person or law enforcement officer.

3 25. Defendants SOBAZSEK, REYNOSO, and IRICK were pursuing
4 Plaintiff GONZALEZ on foot through an industrial area without any information
5 that any third parties were in the area. At all relevant times, Plaintiff
6 GONZALEZ's back was to Defendants SOBAZSEK, REYNOSO, and IRICK.

7 26. Upon information and belief, the Defendant Officers, and each of
8 them, had time to assess the situation, plan, contain Plaintiff, and safely take
9 him into custody. Instead, the Defendant Officers failed to utilize the time they
10 had, failed to adequately formulate and implement a plan, and failed to de-
11 escalate the situation leading to their use of excessive and unreasonable force.

12 27. Plaintiff GONZALEZ was shot multiple times from behind by
13 Defendants SOBAZSEK, REYNOSO, and IRICK. On information and belief,
14 Defendant REYNOSO fired approximately six shots at Plaintiff GONZALEZ,
15 Defendant IRICK fired approximately 5 shots at Plaintiff GONZALEZ, and
16 Defendant SOBAZSEK fired approximately 10 shots at Plaintiff GONZALEZ.
17 On information and belief, Defendants SOBAZSEK, REYNOSO, and IRICK
18 collectively fired more than 20 times at Plaintiff GONZALEZ, each officer
19 striking him several times. Many of the shots were fired almost simultaneously
20 and/or as a result of contagious fire.

21 28. Prior to being shot, Plaintiff was slowing down to a stop. As he was
22 shot, Plaintiff GONZALEZ fell to his knees, then collapsed to the floor in a
23 prone position, face down.

24 29. After Plaintiff GONZALEZ collapsed to the floor, Defendants
25 SOBAZSEK, REYNOSO, and IRICK continued shooting him.

26 30. Upon information and belief, at all relevant times, Plaintiff
27 GONZALEZ was not harming any person, was not about to harm any person,
28 had not harmed any person, and had not threatened to harm any person, including

1 the Defendant Officers. Further, Plaintiff was not running toward any person,
2 and no person's life was threatened by Plaintiff. Plaintiff did not make a
3 threatening or furtive movement with or towards any weapon, pocket, or
4 waistband immediately prior to or while he was being shot by the Defendant
5 Officers. Thus, Plaintiff was not an immediate threat of death or serious bodily
6 injury to any person or officer at the time of the uses of excessive and
7 unreasonable force.

8 31. The use of deadly force against Plaintiff GONZALEZ by
9 Defendants SOBAZSEK, REYNOSO, and IRICK was excessive and
10 unreasonable because immediately prior to and at the time of the use of deadly
11 force: Plaintiff GONZALEZ was not an immediate threat of death or serious
12 bodily injury to any person; Plaintiff GONZALEZ was not given a verbal
13 warning that deadly force was going to be used, despite it being feasible to do
14 so; and Defendants SOBAZSEK, REYNOSO, and IRICK had reasonable, less-
15 intrusive alternatives to the use of deadly force at the time available to them, yet
16 failed to use those alternatives, and failed to exhaust those alternatives.

17 32. Defendants unreasonably escalated the situation when they began
18 using deadly force against Plaintiff GONZALEZ, causing him great fear, pain,
19 and harm.

20 33. Throughout the incident, the Defendants displayed negligent tactics,
21 prior to, during, and after their uses of deadly force, including, but not limited
22 to their: poor positioning, poor planning, lack of communication with each other
23 and deficient communication with Plaintiff, unreasonable use of force,
24 escalating the situation, and failing to de-escalate the situation.

25 34. Further, Defendants' actions and inactions were unreasonable and
26 in violation of basic officer training.

27 35. Each Defendant performed an affirmative act, participated in
28 another Defendant's affirmative act, and/or omitted to perform an act which that

1 Defendant is legally required to do. Each Defendant either directly and
2 personally participated in the deprivation of Plaintiff GONZALEZ's rights or
3 set in motion a series of acts by others which that Defendant knew or reasonably
4 should have known would cause others to inflict a constitutional injury on
5 Plaintiff GONZALEZ. Each Defendant was an integral participant in their own
6 use of excessive force upon Plaintiff GONZALEZ and in each of their fellow
7 Defendants' use of force against Plaintiff GONZALEZ.

8 36. As a direct and proximate result of the individual Defendants'
9 actions, omissions, misjudgments, including their use of excessive and
10 unreasonable force, Plaintiff GONZALEZ was caused to suffer great physical
11 and mental pain and suffering, harm, injury, damages, loss of enjoyment of life,
12 and permanent injury.

DAMAGES

14 37. After being shot from behind, Plaintiff GONZALEZ violently
15 collapsed face-first to the ground; repeatedly complained that he was in pain;
16 and begged the HPD and CHP Officers to not let him die. Plaintiff GONZALEZ
17 was handcuffed while Officers maneuvered his body, looking for the locations
18 GONZALEZ had been struck.

19 38. Paramedics arrived and transported Plaintiff GONZALEZ to
20 Riverside University Health System Medical Center. Plaintiff GONZALEZ was
21 treated for multiple gunshot wounds. Plaintiff GONZALEZ underwent
22 emergency surgery.

23 39. As a direct and proximate result of the intentional conduct, negligent
24 conduct, reckless disregard, deliberate indifference and otherwise wrongful
25 conduct of Defendants, Plaintiff GONZALEZ suffered and continues to suffer
26 economic and non-economic damages including for the nature and extent of his
27 injuries, his past and future disability, physical impairment, disfigurement, loss
28 of enjoyment of life, mental, physical, emotional pain and suffering,

1 inconvenience, grief, anxiety, humiliation and emotional distress, need for
2 assistance, and loss of ability to provide household services.

3 40. The conduct of the individual Defendant Officers was malicious,
4 wanton, oppressive, and accomplished with a conscious disregard for the rights
5 of Plaintiff GONZALEZ in that Plaintiff GONZALEZ'S constitutional rights
6 were intentionally deprived and violated, and/or there was reckless disregard for
7 the constitutional rights of Plaintiff GONZALEZ. As such, their conduct as
8 alleged herein entitles Plaintiff GONZALEZ an award of exemplary and
9 punitive damages from the individual Defendants. Plaintiff GONZALEZ brings
10 no action for punitive damages against Defendant CITY or STATE.

11 41. Pursuant to 42 U.S.C. §1988(b), Plaintiff GONZALEZ is entitled to
12 recover reasonable attorney fees, costs, and interests incurred herein. Pursuant
13 to Cal. Civ. Code §52.1, Plaintiff GONZALEZ is entitled to recover civil
14 penalties, costs, and reasonable attorney fees including treble damages. Pursuant
15 to Cal. Code of Civ. Pro. §1021.5, Plaintiff seeks reasonable attorneys' fees.

FIRST CLAIM FOR RELIEF

Fourth Amendment — Excessive Force (42 U.S.C. §1983)

19 || (Plaintiff against Defendants SOBAZSEK, REYNOSO, IRICK and DOES 1-10)

20 42. Plaintiff repeats and re-alleges each and every allegation in
21 paragraphs 1 through 41 of this Complaint with the same force and effect as if
22 fully set forth herein.

23 43. The Defendants SOBAZSEK, REYNOSO, IRICK and DOES 1-10
24 were acting under the color of state law and within the course and scope of their
25 employment.

26 44. Defendants SOBAZSEK, REYNOSO, IRICK and DOES 1-10 used
27 excessive force against Plaintiff GONZALEZ when they fired lethal rounds,
28 striking Plaintiff GONZALEZ. Defendants' unjustified shooting and other uses

1 of force, deprived Plaintiff GONZALEZ of his right to be secure in his person
2 against unreasonable searches and seizures as guaranteed to Plaintiff
3 GONZALEZ under the Fourth Amendment to the United States Constitution and
4 applied to state actors by the Fourteenth Amendment.

5 45. Plaintiff did not fire a weapon at Defendants or any other person;
6 Plaintiff did not point a weapon at Defendants or any other person; Plaintiff was
7 not reaching for a weapon, pocket, or waistband immediately prior to or during
8 the Defendants' use of deadly force; Plaintiff did not make a threatening or
9 furtive movement with any weapon; Plaintiff was not immediately about to harm
10 anyone, including Defendants immediately prior to or during the Defendants'
11 use of deadly force; Plaintiff did not verbally threaten any person or officer prior
12 to the Defendants' use for deadly force; Plaintiff was not running or lunging
13 toward any officer or person immediately prior to or during Defendants' use of
14 deadly force; Plaintiff did not harm any person and was not about to harm any
15 person prior to and during Defendants' use of deadly force; and Plaintiff was
16 shot in the back while moving slowly away from officers. Thus, Plaintiff was
17 not an immediate threat of death or serious bodily injury to any officer or person
18 at the time of the shots.

19 46. Defendants had several reasonable less-intrusive alternatives
20 available to them prior to their use of deadly force, but failed to attempt and/or
21 exhaust those alternatives, including but not limited to: seeking cover;
22 maintaining a safe and tactically advantageous distance from Plaintiff; de-
23 escalating the situation with communication; planning and coordinating
24 movements and responsibilities of officers; containing Plaintiff; and/or utilizing
25 less-lethal force such as a K-9, 40mm launcher, Taser, or OC spray.

26 47. Defendants had time and opportunity to provide a deadly force
27 warning prior to their use of force, but failed to do so, despite it being safe,
28 reasonable, and feasible to do so.

1 48. The Defendants greatly outnumbered Plaintiff; had superior training
2 and experience to Plaintiff; and were in better physical condition than Plaintiff.

3 49. Therefore, Defendants violated Plaintiff GONZALEZ'S Fourth
4 Amendment rights when they used excessive and unreasonable force against
5 Plaintiff GONZALEZ, firing several lethal rounds at him, and striking him
6 several times, when Plaintiff GONZALEZ was not an immediate threat of death
7 or serious bodily injury at the time, there were other reasonable alternatives to
8 the use of deadly force, and no verbal warning was given prior to the shots that
9 deadly force would be used.

10 50. As a result of the foregoing, Plaintiff GONZALEZ suffered great
11 physical and mental pain and suffering, loss of enjoyment of life, and permanent
12 injury.

13 51. The conduct of Defendants was willful, wanton, malicious, and done
14 with reckless disregard for the rights and safety of Plaintiff GONZALEZ, and
15 therefore warrants the imposition of exemplary and punitive damages as to
16 Defendants.

17 52. As a result of their misconduct, Defendants are liable for Plaintiff
18 GONZALEZ'S injuries, either because they were integral participants in the use
19 of excessive force, or because they failed to intervene to prevent these
20 violations.

21 53. Plaintiff GONZALEZ seeks compensatory and punitive damages.

22 54. Plaintiff GONZALEZ also seeks reasonable statutory attorneys' fees
23 and costs.

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SECOND CLAIM FOR RELIEF

Municipal Liability – Ratification (42 U.S.C. § 1983)

(Plaintiff against Defendants CITY and DOE SUPERVISORS)

55. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1 through 54 of this Complaint with the same force and effect as if fully set forth herein.

56. The Defendants SOBAZSEK, REYNOSO, HPD DOE OFFICERS, and SUPERVISORS were acting under the color of state law and within the course and scope of their employment with Defendant CITY.

10 57. The acts of Defendants deprived Plaintiff GONZALEZ of his
11 particular rights under the United States Constitution as alleged herein.

12 58. Upon information and belief, a final policymaker, including DOE
13 SUPERVISORS, ratified Defendants acts and the bases for their actions. Upon
14 information and belief, the final policymaker knew of and specifically approved
15 of Defendants' conduct and the bases for them, including their actions and
16 inactions, pre-shooting tactics, and use of deadly force.

17 59. Upon information and belief, the written policies and basic officer
18 training with respect to the incident include that law enforcement officers are
19 not to use deadly force against an individual unless the individual poses an
20 immediate risk of death or serious bodily injury to the officers or others. The
21 Defendants' actions deviated from these written policies and basic law
22 enforcement training because Plaintiff GONZALEZ did not pose an immediate
23 threat of death or serious bodily injury to the involved law enforcement officers
24 or anyone else.

25 60. Upon information and belief, a final policymaker has determined (or
26 will determine) that the acts of Defendants were “within policy,” and have
27 ratified multiple prior incidents of the use of excessive force, including
28 excessive less-lethal force and deadly force.

1 61. Upon information and belief, Defendant CITY approved of
2 Defendants SOBAZSEK, REYNOSO, and HPD DOE OFFICERS' actions and
3 inactions, after which Defendant CITY officials, including DOE
4 SUPERVISORS, found the Defendants' conduct was within the official policies
5 of Defendants CITY and/or consistent with CITY officers' basic training. On
6 information and belief, the basis for such approval was based on the Defendants'
7 self-serving statements, despite evidence that Plaintiff GONZALEZ was not an
8 immediate threat of death or serious bodily injury to anyone at the time the
9 excessive force was used, reasonable alternatives were available, and no
10 warning was given.

11 62. Upon information and belief, after this incident, Defendants
12 SOBAZSEK, REYNOSO, and HPD DOE OFFICERS were not disciplined,
13 reprimanded, retrained, provided additional training, suspended, or otherwise
14 penalized in connection with their conduct in this incident.

15 63. Upon information and belief, the following are only a few examples
16 of cases where the HPD officers were not disciplined, reprimanded, retrained,
17 suspended, or otherwise penalized in connection with the underlying acts giving
18 rise to the below lawsuits, which indicates that the Defendant CITY routinely
19 ratifies such behavior:

20 a. In *Drye v. City of Hemet*, Case No. 5:23-cv-02152 JGB (KKx),
21 on February 21, 2023, HPD officer(s) shot and killed a father of five young
22 children, on his own property, while he was not committing a crime, was
23 not suspected of committing a crime, and was not an immediate threat of
24 death or serious bodily injury; while officers failed to give a warning and
25 had less intrusive alternatives. The case resolved with a seven-figure
26 settlement.

27 b. In *Acosta. v. City of Hemet, et al.*, case number 5:19-CV-
28 00779-CJC, Defendant CITY settled with an unarmed man who was shot

1 in the back by CITY officers. In May of 2018, HPD officers encountered
2 the plaintiff in a truck near a business at which an alarm was going off.
3 The officers saw the plaintiff begin slowly driving away, at which point
4 one officer fired ten rounds at the plaintiff's truck. Another officer then
5 intentionally crashed his vehicle into the plaintiff's truck, causing it to
6 strike a pole. When the plaintiff exited the truck unarmed and began to
7 run with his hands raised, a third officer shot him multiple times, including
8 in the back, without warning. The case was resolved following a seven-
9 figure settlement.

10 c. In *Erickson v. City of Hemet, et al.*, case number 5:19-CV-
11 00779-CJC, Defendant CITY settled with a man who was attacked by a
12 K-9 causing serious and permanent great bodily injury.

13 d. In *Edmond v. City of Hemet*, in October of 2021, HPD officers
14 encountered the plaintiff in a store parking lot, where he was allegedly
15 panhandling, and asked him to leave, which the plaintiff did. After the
16 plaintiff and the officers returned, the plaintiff began to again comply with
17 the officers' commands, and the officers grabbed him, punched him in the
18 face, forced him to the ground, and restrained him. The case resolved
19 following a six-figure settlement before litigation.

20 e. In *Hereford v. City of Hemet*, No. 5:22-cv-00394-JWH-SHK,
21 in March of 2021, HPD officers stopped one of the plaintiffs while he was
22 in his parked car in front of his fiancée's home and arrested him for driving
23 with an allegedly suspended license. The officers then began searching for
24 his car, which his fiancée and her daughter began to film. The officers
25 responded by threatening his fiancée and her daughter with arrest,
26 knocking the daughter's phone out of her hand, striking the fiancée, and
27 causing her a variety of injuries in her head, neck, shoulder, and back.

28

1 According to information and belief, this case is currently in litigation in
2 federal district court.

3 f. In *Mendoza v. City of Hemet*, No. 5:21-cv-01134-JGB-SHK,
4 in May of 2020, the plaintiff — a small woman in shorts and a t-shirt —
5 was stopped while driving by HPD officers. Seven officers drew their
6 weapons and shouted commands, and the plaintiff complied with their
7 orders to exit her vehicle and turn around. As she did so, she was knocked
8 to the ground.

9 g. In *Lagafoged v. City of Hemet*, No. 5:19-cv-00903-SVW-
10 SHK, in August of 2018, HPD officers encountered the plaintiff behaving
11 erratically while standing on a balcony and swinging a stick in the air. The
12 officers responded by releasing a K-9 dog to bite the plaintiff before tasing
13 him multiple times and hogtieing him, resulting in his death. The case
14 resolved following a six-figure settlement.

15 h. In *Martin v. City of Hemet*, No. 5:18-cv-02377-JGB-KK, on
16 October of 2017, the plaintiff was stopped by officers in a parking lot
17 while his wife was in her car nearby. When the plaintiff began to walk
18 away from the officers and his wife, the officers commanded him to drop
19 a small pocketknife he was holding, and the plaintiff put his hands above
20 his head. With the plaintiff's hands raised and visible, two HPD officers
21 fired seven to ten shots at him, killing him. The case resolved following a
22 six-figure settlement.

23 64. Upon information and belief, Defendant CITY, through its officials,
24 had either actual or constructive knowledge of the deficient policies, practices
25 and customs alleged herein. Despite having knowledge as stated herein, these
26 Defendant CITY officials condoned, tolerated and through actions and inactions
27 thereby ratified such deficient policies. In doing so, said Defendant CITY
28 officials acted with deliberate indifference to the foreseeable effects and

1 consequences of these deficient policies, including their policy of ratification,
2 with respect to the constitutional rights of Plaintiff GONZALEZ and other
3 individuals similarly situated.

4 65. By perpetrating, sanctioning, tolerating, and ratifying the
5 outrageous conduct and other wrongful acts, Defendant CITY officials acted
6 with intentional, reckless, and callous disregard for the life and rights of Plaintiff
7 GONZALEZ. Furthermore, the policies, practices, and customs implemented,
8 maintained, and still tolerated by Defendants CITY and their officials were
9 affirmatively linked to and were a significantly influential force behind the
10 injuries of Plaintiff GONZALEZ.

11 66. Accordingly, Defendant CITY is liable to Plaintiff for compensatory
12 damages under 42 U.S.C. §1983.

13 67. The conduct of the Defendant DOE SUPERVISORS was willful,
14 wanton, malicious, and done with reckless disregard for the rights and safety of
15 Plaintiff GONZALEZ, and therefore warrants the imposition of exemplary and
16 punitive damages as to the Defendant SUPERVISORS.

17 || 68. Plaintiff GONZALEZ seeks compensatory and punitive damages.

18 69. Plaintiff GONZALEZ also seeks reasonable statutory attorneys' fees
19 and costs.

THIRD CLAIM FOR RELIEF

Municipal Liability – Failure to Train (42 U.S.C. §1983)

(Plaintiff against Defendants CITY and DOE SUPERVISORS)

24 70. Plaintiff repeats and re-alleges each and every allegation in
25 paragraphs 1 through 69 of this Complaint with the same force and effect as if
26 fully set forth herein.

1 71. The Defendants SOBAZSEK, REYNOSO, HPD DOE OFFICERS,
2 and DOE SUPERVISORS were acting under the color of state law and within
3 the course and scope of their employment with Defendants CITY.

4 72. The acts of Defendants deprived Plaintiff GONZALEZ of his
5 particular rights under the United States Constitution as alleged herein.

6 73. The training policies of Defendants CITY were not adequate to train
7 their officers to handle the usual and recurring situations with which they must
8 deal. This includes training with respect to tactics, the use of force, including
9 deadly force, de-escalation techniques, controlling officer emotions and fears,
10 inappropriate “shoot/don’t shoot” scenarios in training that promote the use of
11 unreasonable force, and continually assessing a situation to justify every shot
12 fired. In addition to failing to train officers to safely handle obvious, recurring
13 situations, Defendant CITY affirmatively chose a policy it knew was likely to
14 lead to, and in fact had previously led to, deprivations of constitutional rights
15 including unreasonable seizures in violation of the Fourth Amendment.

16 74. Defendants CITY and DOE SUPERVISORS were deliberately
17 indifferent to the obvious consequences of its failure to train its officers
18 adequately, including training with respect to tactics, the use of force, including
19 deadly force, and de-escalation techniques.

20 75. The failure of Defendants CITY to provide adequate training caused
21 the deprivation of Plaintiff GONZALEZ’S rights by Defendants; that is,
22 Defendants’ failure to train is so closely related to the deprivation of Plaintiff
23 GONZALEZ’S rights as to be the moving force that caused the ultimate injury.

24 76. On information and belief, Defendants CITY failed to train
25 Defendants properly and adequately, including regarding the following:

- 26 a. Not providing adequate time and resources for officers to train when
27 the training does exist so that the officers can rely on that training
28 during incidents.

- 1 b. Not enforcing the basic training standards, when they do exist, that
- 2 are designed to prevent officers from using excessive and
- 3 unreasonable force.
- 4 c. Not adequately providing recurring training so that officers do not
- 5 lose necessary perishable skills, and not re-training officers who
- 6 have used force in the field.
- 7 d. Effective communication to enable officers to gain cooperation and
- 8 voluntary compliance in stressful situations.
- 9 e. Effective communication as a basic element of the use of force; the
- 10 goal of which to gain voluntary compliance without resorting to
- 11 physical force, especially deadly force.
- 12 f. That the use of deadly force is the most serious decision a peace
- 13 officer may ever have to make, and such a decision should be
- 14 guided by the reverence for human life and used only when other
- 15 means of control are unreasonable or have been exhausted.
- 16 g. Reverence for life as the foundation on which the use of deadly
- 17 force rests. Deadly force is always the last resort to be used in the
- 18 direst of circumstances. The authority to use deadly force is an
- 19 awesome responsibility given to peace officers by the people who
- 20 expect them to exercise that authority judiciously. In the law
- 21 enforcement/community partnership, the expectation that peace
- 22 officers are self-disciplined and accountable.
- 23 h. Self-control as one of a peace officer's greatest assets in dealing
- 24 with a person or a situation.
- 25 i. Unreasonable fear includes overreactions to true potential threats as
- 26 well as reactions to unreal threats based on prejudice or poor
- 27 application of experience.
- 28 j. Unreasonable fear can be responsible for inappropriate responses

such as a failure to respond or responding inappropriately (using unreasonable force).

- 3 k. Unreasonable force occurs when the type, degree, and duration of
4 force employed was neither necessary nor appropriate.
5 l. The community expects that its peace officers will use only
6 reasonable amounts of force and only use deadly force when
7 absolutely necessary. Likewise, it expects that someone, including
8 peace officers, will intervene if reasonable force is exceeded.
9 m. Use of other techniques to the use of deadly force including but are
10 not limited to de-escalation, communication, conflict resolution,
11 defensive tactics, less-lethal force, and use of time and distance.
12 n. That a officers' subjective fear of future harm alone is insufficient
13 as an imminent threat. An imminent threat is one that requires
14 instant attention.
15 o. Training with respect to tactics.
16 p. Training with respect assessing when it is appropriate to use of
17 force, including deadly force, and training on how much force is
18 appropriate even when some force is appropriate.

19 77. Upon information and belief, the following are only a few examples
20 of cases where the involved officers were not disciplined, reprimanded,
21 retrained, suspended, or otherwise penalized in connection with the underlying
22 acts giving rise to the below lawsuits, which indicates that the County of
23 Riverside failed to adequately train its officers with regard to the use of force:

24 a. In *Drye v. City of Hemet*, Case No. 5:23-cv-02152 JGB (KKx),
25 on February 21, 2023, HPD officer(s) shot and killed a father of five young
26 children, on his own property, while he was not committing a crime, was
27 not suspected of committing a crime, and was not an immediate threat of
28 death or serious bodily injury; while officers failed to give a warning and

1 had less intrusive alternatives. The case resolved with a seven-figure
2 settlement.

3 b. In *Acosta. v. City of Hemet, et al.*, case number 5:19-CV-
4 00779-CJC, Defendant CITY settled with an unarmed man who was shot
5 in the back by CITY officers. In May of 2018, HPD officers encountered
6 the plaintiff in a truck near a business at which an alarm was going off.
7 The officers saw the plaintiff begin slowly driving away, at which point
8 one officer fired ten rounds at the plaintiff's truck. Another officer then
9 intentionally crashed his vehicle into the plaintiff's truck, causing it to
10 strike a pole. When the plaintiff exited the truck unarmed and began to
11 run with his hands raised, a third officer shot him multiple times, including
12 in the back, without warning. The case was resolved following a seven-
13 figure settlement.

14 c. In *Erickson v. City of Hemet, et al.*, case number 5:19-CV-
15 00779-CJC, Defendant CITY settled with a man who was attacked by a
16 K-9 causing serious and permanent great bodily injury.

17 d. In *Edmond v. City of Hemet*, in October of 2021, HPD officers
18 encountered the plaintiff in a store parking lot, where he was allegedly
19 panhandling, and asked him to leave, which the plaintiff did. After the
20 plaintiff and the officers returned, the plaintiff began to again comply with
21 the officers' commands, and the officers grabbed him, punched him in the
22 face, forced him to the ground, and restrained him. The case resolved
23 following a six-figure settlement before litigation.

24 e. In *Hereford v. City of Hemet*, No. 5:22-cv-00394-JWH-SHK,
25 in March of 2021, HPD officers stopped one of the plaintiffs while he was
26 in his parked car in front of his fiancée's home and arrested him for driving
27 with an allegedly suspended license. The officers then began searching for
28 his car, which his fiancée and her daughter began to film. The officers

1 responded by threatening his fiancée and her daughter with arrest,
2 knocking the daughter's phone out of her hand, striking the fiancée, and
3 causing her a variety of injuries in her head, neck, shoulder, and back.
4 According to information and belief, this case is currently in litigation in
5 federal district court.

6 f. In *Mendoza v. City of Hemet*, No. 5:21-cv-01134-JGB-SHK,
7 in May of 2020, the plaintiff — a small woman in shorts and a t-shirt —
8 was stopped while driving by HPD officers. Seven officers drew their
9 weapons and shouted commands, and the plaintiff complied with their
10 orders to exit her vehicle and turn around. As she did so, she was knocked
11 to the ground.

12 g. In *Lagafoged v. City of Hemet*, No. 5:19-cv-00903-SVW-
13 SHK, in August of 2018, HPD officers encountered the plaintiff behaving
14 erratically while standing on a balcony and swinging a stick in the air. The
15 officers responded by releasing a K-9 dog to bite the plaintiff before tasing
16 him multiple times and hogtieing him, resulting in his death. The case
17 resolved following a six-figure settlement.

18 h. In *Martin v. City of Hemet*, No. 5:18-cv-02377-JGB-KK, on
19 October of 2017, the plaintiff was stopped by officers in a parking lot
20 while his wife was in her car nearby. When the plaintiff began to walk
21 away from the officers and his wife, the officers commanded him to drop
22 a small pocketknife he was holding, and the plaintiff put his hands above
23 his head. With the plaintiff's hands raised and visible, two HPD officers
24 fired seven to ten shots at him, killing him. The case resolved following a
25 six-figure settlement.

26 78. By reason of the aforementioned acts and omissions, Plaintiff
27 GONZALEZ has suffered past and future pain and suffering, loss of enjoyment
28 of life, and permanent injury.

1 79. Upon information and belief, Defendant CITY, through its officials,
2 had either actual or constructive knowledge of the deficient training policies,
3 practices and customs alleged herein. Despite having knowledge as stated
4 herein, these Defendant CITY officials condoned, tolerated and through actions
5 and inactions thereby ratified such deficient training. In doing so, Defendant
6 CITY officials acted with deliberate indifference to the foreseeable effects and
7 consequences of such deficient training with respect to the constitutional rights
8 of Plaintiff GONZALEZ and other individuals similarly situated.

9 80. Through its deficient training, Defendant CITY officials acted with
10 intentional, reckless, and callous disregard for the life and rights of Plaintiff
11 GONZALEZ. Furthermore, the deficient training tolerated by Defendants CITY
12 and its officials were affirmatively linked to and was a significantly influential
13 force behind the injuries of Plaintiff GONZALEZ.

14 81. Accordingly, Defendant CITY is liable to Plaintiff for compensatory
15 damages under 42 U.S.C. §1983.

16 82. The conduct of the Defendant DOE SUPERVISORS in condoning,
17 maintaining, and providing deficient training was willful, wanton, malicious,
18 and done with reckless disregard for the rights and safety of Plaintiff
19 GONZALEZ, and therefore warrants the imposition of exemplary and punitive
20 damages as to the Defendant SUPERVISORS.

21 83. Plaintiff GONZALEZ seeks compensatory and punitive damages.

22 84. Plaintiff GONZALEZ also seeks reasonable statutory attorneys' fees
23 and costs.

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FOURTH CLAIM FOR RELIEF

Municipal Liability – Unconstitutional Custom or Policy (42 U.S.C. § 1983)

(Plaintiff against Defendants CITY and DOE SUPERVISORS)

4 85. Plaintiff repeats and re-alleges each and every allegation in
5 paragraphs 1 through 84 of this Complaint with the same force and effect as if
6 fully set forth herein.

7 86. Defendants SOBAZSEK, REYNOSO, HPD DOE OFFICERS, and
8 8 DOE SUPERVISORS were acting under the color of state law and within the
9 9 course and scope of their employment with Defendant CITY and HPD.

10 87. Defendants acted pursuant to an expressly adopted official policy or
11 a longstanding practice or custom of Defendant CITY.

12 88. On information and belief, Defendants were not disciplined,
13 reprimanded, retrained, suspended, or otherwise penalized in connection with
14 Plaintiff GONZALEZ'S harm.

15 89. Upon information and belief, in addition to those policies alleged
16 above, Defendants CITY and DOE SUPERVISORS maintained, inter alia, the
17 following unconstitutional customs, practices, and policies:

- a. Using excessive force, including excessive deadly force.
 - b. Providing inadequate training regarding the use of deadly force.
 - c. Employing and retaining as employees Defendants SOBAZSEK, REYNOSO, and HPD DOE OFFICERS, who Defendant CITY at all times material herein knew or reasonably should have known used excessive force.
 - d. Inadequately supervising, training, controlling, assigning, and disciplining CITY officers, and other personnel, including Defendants SOBAZSEK, REYNOSO, and HPD DOE OFFICERS, who Defendant CITY knew or in the exercise of reasonable care should have known had the propensities to use excessive force.

- 1 e. Maintaining grossly inadequate procedures for reporting,
2 supervising, investigating, reviewing, disciplining, and controlling
3 misconduct by CITY officials, Defendants SOBAZSEK,
4 REYNOSO, and HPD DOE OFFICERS.
- 5 f. Failing to adequately discipline CITY officers, including
6 Defendants SOBAZSEK, REYNOSO, and HPD DOE OFFICERS,
7 for the above-referenced categories of misconduct, including “slaps
8 on the wrist,” discipline that is so slight as to be out of proportion to
9 the magnitude of the misconduct, and other inadequate discipline
10 that is tantamount to encouraging misconduct.
- 11 g. Announcing that unjustified shootings are “within policy,” including
12 shootings that were later determined in court to be unconstitutional.
- 13 h. Even where shootings are determined in court to be
14 unconstitutional, refusing to discipline, terminate, or retrain the
15 officers involved.
- 16 i. Encouraging, accommodating, or facilitating a “blue code of
17 silence,” “blue shield,” “blue wall,” “blue curtain,” “blue veil,” or
18 simply “code of silence,” pursuant to which officials do not report
19 other officials’ errors, misconduct, or crimes. Pursuant to this code
20 of silence, if questioned about an incident of misconduct involving
21 another official, while following the code, the official being
22 questioned will claim ignorance of the other officials’ wrongdoing.
- 23 j. Maintaining a policy of inaction and an attitude of indifference
24 towards soaring numbers of law enforcement shootings, including
25 by failing to discipline, retrain, investigate, terminate, and
26 recommend officials for criminal prosecution who participate in
27 unreasonable shootings.
- 28 k. Upon information and belief, CITY, including but not limited to

1 HPD, has an unofficial policy, practice and/or custom of finding
2 almost all—if not all—of its officer involved shootings to be within
3 policy, of not disciplining its officers involved in shootings, not
4 retraining or firing officers involved in shootings, and of not
5 recommending criminal charges against their officers involved in
6 excessive and unreasonable officer-involved shootings. As a result,
7 officers involved in excessive uses of deadly force are allowed back
8 to patrol the streets even though CITY knew, or should have known,
9 that these officers have a propensity for using excessive deadly
10 force against the citizens that the officers are supposed to protect
11 and serve, especially against minorities and the mentally ill.

- 12 1. Upon information and belief, as a result of CITY policy, custom
13 and/or practices, HPD officers know that if they use deadly
14 excessive force against someone, they will not be disciplined and
15 their use of force will be found within policy, which results in a
16 significant number of CITY officers being involved in numerous
17 shootings. This policy, custom and/or practice was established by
18 supervising and managerial employees of CITY, specifically, those
19 employees tasked with determining whether officer-involved
20 shootings fall within policy, those employees responsible for
21 disciplining, retraining, and firing employees who use excessive
22 force, and for those employees responsible for making
23 recommendations of criminal charges being filed against officers
24 who use excessive deadly force; and
- 25 m. Upon information and belief, this policy, custom and/or practice
26 long lasting and persistent, and existed well before Plaintiff
27 GONZALEZ was shot by Defendants SOBAZSEK, REYNOSO,
28 and HPD DOE OFFICERS. This policy, custom and/or practice was

1 established so that CITY officers do not bear the responsibility for
2 the people that they use excessive deadly force against. This policy,
3 custom and/or practice exists so that the public does not have such a
4 negative perception of CITY and its departments so that CITY can
5 avoid the repercussions associated with its officers' use of excessive
6 deadly force against citizens, including negative publicity, avoiding
7 criminal prosecution, and avoiding civil liability. A significant
8 reason that this policy, custom and/or practice was established was
9 to avoid CITY being liable, under a theory of vicarious liability, for
10 the uses of excessive and unreasonable deadly force by its
11 employees. In other words, there is a large financial incentive for
12 CITY to erroneously determine that most, if not all, of its officers'
13 uses of deadly force are within policy. If CITY, through its
14 policymakers and supervisors, would admit that their officers were
15 at fault for using excessive and unreasonable deadly force, then
16 CITY is aware of how much they would have to pay for any
17 associated litigation.

18 90. Defendants CITY and DOE SUPERVISORS, together with various
19 other officials, whether named or unnamed, had either actual or constructive
20 knowledge of the deficient policies, practices and customs alleged in the
21 paragraphs above. Despite having knowledge as stated above, these Defendants
22 condoned, tolerated and through actions and inactions thereby ratified such
23 policies. Said Defendants also acted with deliberate indifference to the
24 foreseeable effects and consequences of these policies with respect to the
25 constitutional rights of Plaintiff GONZALEZ and other individuals similarly
26 situated.

27 91. By perpetrating, sanctioning, tolerating, and ratifying the
28 outrageous conduct and other wrongful acts, DOE SUPERVISORS acted with

1 intentional, reckless, and callous disregard for the life of Plaintiff GONZALEZ
2 and for Plaintiff GONZALEZ'S constitutional rights. Furthermore, the policies,
3 practices, and customs implemented, maintained, and still tolerated by
4 Defendants CITY, STATE, and DOE SUPERVISORS were affirmatively linked
5 to and were a significantly influential force behind the injuries of Plaintiff
6 GONZALEZ.

7 92. Based on information and belief, the following are only a few
8 examples of cases evidencing Defendant CITY'S unconstitutional policies,
9 where the involved officers were not disciplined, reprimanded, retrained,
10 suspended, or otherwise penalized in connection with the underlying acts giving
11 rise to the below lawsuits, which indicates that CITY routinely ratifies such
12 behavior and maintains a practice of allowing such behavior:

13 a. In *Drye v. City of Hemet*, Case No. 5:23-cv-02152 JGB (KKx),
14 on February 21, 2023, HPD officer(s) shot and killed a father of five young
15 children, on his own property, while he was not committing a crime, was
16 not suspected of committing a crime, and was not an immediate threat of
17 death or serious bodily injury; while officers failed to give a warning and
18 had less intrusive alternatives. The case resolved with a seven-figure
19 settlement.

20 b. In *Acosta. v. City of Hemet, et al.*, case number 5:19-CV-
21 00779-CJC, Defendant CITY settled with an unarmed man who was shot
22 in the back by CITY officers. In May of 2018, HPD officers encountered
23 the plaintiff in a truck near a business at which an alarm was going off.
24 The officers saw the plaintiff begin slowly driving away, at which point
25 one officer fired ten rounds at the plaintiff's truck. Another officer then
26 intentionally crashed his vehicle into the plaintiff's truck, causing it to
27 strike a pole. When the plaintiff exited the truck unarmed and began to
28 run with his hands raised, a third officer shot him multiple times, including

1 in the back, without warning. The case was resolved following a seven-
2 figure settlement.

3 c. In *Erickson v. City of Hemet, et al.*, case number 5:19-CV-
4 00779-CJC, Defendant CITY settled with a man who was attacked by a
5 K-9 causing serious and permanent great bodily injury.

6 d. In *Edmond v. City of Hemet*, in October of 2021, HPD officers
7 encountered the plaintiff in a store parking lot, where he was allegedly
8 panhandling, and asked him to leave, which the plaintiff did. After the
9 plaintiff and the officers returned, the plaintiff began to again comply with
10 the officers' commands, and the officers grabbed him, punched him in the
11 face, forced him to the ground, and restrained him. The case resolved
12 following a six-figure settlement before litigation.

13 e. In *Hereford v. City of Hemet*, No. 5:22-cv-00394-JWH-SHK,
14 in March of 2021, HPD officers stopped one of the plaintiffs while he was
15 in his parked car in front of his fiancée's home and arrested him for driving
16 with an allegedly suspended license. The officers then began searching for
17 his car, which his fiancée and her daughter began to film. The officers
18 responded by threatening his fiancée and her daughter with arrest,
19 knocking the daughter's phone out of her hand, striking the fiancée, and
20 causing her a variety of injuries in her head, neck, shoulder, and back.
21 According to information and belief, this case is currently in litigation in
22 federal district court.

23 f. In *Mendoza v. City of Hemet*, No. 5:21-cv-01134-JGB-SHK,
24 in May of 2020, the plaintiff — a small woman in shorts and a t-shirt —
25 was stopped while driving by HPD officers. Seven officers drew their
26 weapons and shouted commands, and the plaintiff complied with their
27 orders to exit her vehicle and turn around. As she did so, she was knocked
28 to the ground.

1 g. In *Lagafoged v. City of Hemet*, No. 5:19-cv-00903-SVW-
2 SHK, in August of 2018, HPD officers encountered the plaintiff behaving
3 erratically while standing on a balcony and swinging a stick in the air. The
4 officers responded by releasing a K-9 dog to bite the plaintiff before tasing
5 him multiple times and hogtieing him, resulting in his death. The case
6 resolved following a six-figure settlement.

7 h. In *Martin v. City of Hemet*, No. 5:18-cv-02377-JGB-KK, on
8 October of 2017, the plaintiff was stopped by officers in a parking lot
9 while his wife was in her car nearby. When the plaintiff began to walk
10 away from the officers and his wife, the officers commanded him to drop
11 a small pocketknife he was holding, and the plaintiff put his hands above
12 his head. With the plaintiff's hands raised and visible, two HPD officers
13 fired seven to ten shots at him, killing him. The case resolved following a
14 six-figure settlement.

15 93. By reason of the aforementioned acts and omissions, Plaintiff
16 GONZALEZ has suffered past and future pain and suffering, loss of enjoyment
17 of life, and permanent injury.

18 94. Accordingly, Defendants CITY is liable to Plaintiff for
19 compensatory damages under 42 U.S.C. §1983.

20 95. The conduct of the Defendant DOE SUPERVISORS in condoning,
21 maintaining, and providing these longstanding unconstitutional policies,
22 customs, and/or practices was willful, wanton, malicious, and done with reckless
23 disregard for the rights and safety of Plaintiff GONZALEZ, and therefore
24 warrants the imposition of exemplary and punitive damages as to the Defendant
25 DOE SUPERVISORS.

26 96. Plaintiff GONZALEZ seeks compensatory and punitive damages.

27 97. Plaintiff GONZALEZ also seeks reasonable statutory attorneys' fees
28 and costs

FIFTH CLAIM FOR RELIEF

Battery (Cal. Govt. Code §820 and California Common Law)

(Plaintiff against Defendants SOBAZSEK, REYNOSO, IRICK, HPD DOE OFFICERS, and CHP DOE OFFICERS in their individual capacity, directly; and Defendants CITY and STATE vicariously)

98. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1 through 97 of this Complaint with the same force and effect as if fully set forth herein.

10 99. Defendants SOBAZSEK, REYNOSO, IRICK, and DOE
11 OFFICERS, while working as officials for the HPD and CHP respectively and
12 acting within the course and scope of their duties, intentionally shot Plaintiff
13 GONZALEZ multiple times and used unreasonable and excessive force against
14 him as alleged herein in violation of the Fourth Amendment.

15 100. The use of deadly force against Plaintiff GONZALEZ by
16 Defendants was unreasonable because Plaintiff GONZALEZ did not pose an
17 immediate threat of death or serious bodily harm to any person at any time, there
18 were less lethal alternatives, and no verbal warning was given.

19 101. At all relevant times, Plaintiff GONZALEZ was not an immediate
20 threat of bodily injury to anyone, including Defendants.

21 102. Plaintiff GONZALEZ never consented to the use of force used
22 against him by Defendants.

23 103. Plaintiff GONZALEZ was harmed when he was shot multiple times,
24 and experienced severe pain and suffering, injury, and damages.

25 104. The Defendants' use of unreasonable force, including deadly force,
26 was the direct cause, proximate cause, and only cause of Plaintiff
27 GONZALEZ'S pain and suffering, injury, harm, and damages. In other words,

1 the unreasonable force was at least a substantial factor in causing Plaintiff
2 GONZALEZ'S pain and suffering, injury, harm, and damages.

3 105. Defendants caused various injuries as mentioned herein and are
4 liable either because they directly harmed Plaintiff GONZALEZ or integrally
5 participated in or failed to intervene in the incident, and engaged in other acts
6 and/or omissions around the time of the incident. Defendants' acts and
7 omissions resulted in harmful and offensive touching of Plaintiff GONZALEZ.

8 106. Defendants are directly liable for their actions and inactions
9 pursuant to Cal. Govt. Code §820(a).

10 107. Defendants CITY and STATE are vicariously liable for the
11 wrongful acts of their employees, including Defendants SOBAZSEK,
12 REYNOSO, IRICK, and DOE OFFICERS pursuant to section 815.2(a) of the
13 California Government Code, which provides that a public entity is liable for
14 the injuries caused by its employees within the scope of the employment if the
15 employee's act would subject him or her to liability.

16 108. The conduct of Defendants SOBAZSEK, REYNOSO, IRICK, and
17 DOE OFFICERS was malicious, wanton, oppressive, and accomplished with a
18 conscious disregard for the rights of Plaintiff, entitling Plaintiff GONZALEZ to
19 an award of exemplary and punitive damages as to these Defendants.

20 109. Plaintiff GONZALEZ seeks compensatory damages, and punitive
21 damages.

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SIXTH CLAIM FOR RELIEF

Negligence (Cal. Govt. Code §820 and California Common Law)

(Plaintiff against Defendants SOBAZSEK, REYNOSO, IRICK, HPD DOE OFFICERS, and CHP DOE OFFICERS in their individual capacity, directly; and Defendants CITY and STATE vicariously)

110. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1 through 109 of this Complaint with the same force and effect as if fully set forth herein.

9 111. At all relevant times, Defendants SOBAZSEK, REYNOSO, IRICK,
10 and DOE OFFICERS were working as officials for the HPD and CHP,
11 respectively, and acting under color of state law and within the course and scope
12 of their duties.

13 112. Peace officers, including Defendants, have a duty to use reasonable
14 care to prevent harm or injury to others. This duty includes using appropriate
15 tactics, giving appropriate commands, giving warnings, and not using any force
16 unless necessary, using less than lethal options, and only using deadly force as
17 a last resort. These duties also include providing proper training and equipment
18 to officials so that they may perform their duties in accordance with the
19 department policies, properly investigate use of force incidents, and punish, re-
20 train, terminate, and/or prosecute violators of those policies and the law.

21 113. Defendants SOBAZSEK, REYNOSO, IRICK, and DOE
22 OFFICERS breached their duty of care by their conduct as alleged herein. Upon
23 information and belief, the actions and inactions of Defendants were negligent
24 and reckless, including but not limited to:

- a. The failure to properly and adequately assess the need to use force or deadly force against Plaintiff GONZALEZ.
 - b. The negligent tactics and handling of the situation with Plaintiff SOLIS, including pre-shooting negligence.

- 1 c. The failure to properly train and supervise employees, both
- 2 professional and non-professional, including Defendants
- 3 SOBAZSEK, REYNOSO, IRICK, and DOES 1-10.
- 4 d. The negligent handling of evidence and witnesses.
- 5 e. The negligent communication of information during the incident.

6 114. As a direct and proximate result of Defendants' conduct as alleged
7 above, and other undiscovered negligent conduct, Plaintiff GONZALEZ was
8 caused to suffer severe pain and suffering. In other words, the Defendants'
9 negligence was at least a substantial factor in causing Plaintiff GONZALEZ'S
10 harm, injury, and damages.

11 115. At all relevant times, Plaintiff GONZALEZ was not an immediate
12 threat of death or serious bodily injury to anyone, including Defendants, no
13 warning was given that deadly force was going to be used prior to the use of
14 deadly force, and less than lethal alternatives were available to Defendants.

15 116. Further, Plaintiff GONZALEZ'S harm, specifically being shot by
16 the Defendants when Plaintiff GONZALEZ was not an immediate threat of death
17 or serious bodily injury to anyone, ordinarily would not have happened unless
18 Defendants were negligent.

19 117. The harm inflicted by Defendants was caused by something that
20 only the Defendants controlled. The Defendants had control over their firearms,
21 as well as control over the tactical decisions made during the incident.

22 118. As a result of their misconduct, Defendants SOBAZSEK,
23 REYNOSO, IRICK, and DOES 1-10 are liable for Plaintiff GONZALEZ'S
24 injuries, either because they were integral participants in their negligence, or
25 because they failed to intervene to prevent these violations.

26 119. Pursuant to Cal. Gov't Code §820(a), "a public employee is liable
27 for injury caused by his act or omission to the same extent as a private person."

28

1 120. Defendants CITY and STATE are vicariously liable for the
2 wrongful acts of Defendants SOBAZSEK, REYNOSO, IRICK, and DOES 1-10
3 pursuant to section 815.2(a) of the California Government Code, which provides
4 that a public entity is liable for the injuries caused by its employees within the
5 scope of the employment if the employee's act would subject him or her to
6 liability. Defendants CITY and STATE are vicariously liable under California
7 law and the doctrine of *respondeat superior*.

8 121. Plaintiff seeks attorneys' fees under this claim pursuant to Cal. Code
9 of Civ. Pro. §1021.5 for enforcement of the important rights effecting the public
10 interest that Plaintiff, and those similarly situated, to be free from intimidation
11 and physical assault by law enforcement as described herein.

12 122. Plaintiff GONZALEZ seeks compensatory damages, including
13 general and special damages in an amount to be proven at trial.

SEVENTH CLAIM FOR RELIEF

Bane Act (Violation of Cal. Civil Code §52.1)

17 (Plaintiff against Defendants SOBAZSEK, REYNOSO, IRICK, HPD DOE
18 OFFICERS, and CHP DOE OFFICERS in their individual capacity, directly; and
19 Defendants CITY and STATE vicariously)

20 123. Plaintiff repeats and re-alleges each and every allegation in
21 paragraphs 1 through 122 of this Complaint with the same force and effect as if
22 fully set forth herein.

23 124. California Civil Code, Section 52.1 (the Bane Act), prohibits any
24 person from using or attempting to use violent acts, threats, intimidation, or
25 coercion to interfere with the exercise or enjoyment by any individuals' rights
26 secured by the Constitution or laws of the United States, or of the rights secured
27 by the Constitution or laws of this state in retaliation against another person for
28 exercising that person's constitutional rights.

1 125. On information and belief, Defendants SOBAZSEK, REYNOSO,
2 IRICK, and DOES 1-10, while working for CITY and STATE and acting within
3 the course and scope of their duties, intentionally committed and attempted to
4 commit acts of violence against Plaintiff GONZALEZ, including by shooting
5 him without justification or excuse, and by integrally participating and failing
6 to intervene in the above violence.

7 126. When Defendants used excessive and unreasonable force against
8 Plaintiff GONZALEZ, they intentionally interfered with his civil rights to be
9 free from excessive force.

10 127. Further, the Defendants used excessive and unreasonable force in
11 violation of the Constitution with intent to deprive Plaintiff GONZALEZ of his
12 Constitutional rights to be free from excessive force.

13 128. On information and belief, Defendants intentionally violated
14 Plaintiff GONZALEZ'S rights to be free from excessive force by demonstrating
15 reckless disregard for his rights when Defendants shot Plaintiff GONZALEZ.

16 129. Defendants violated Plaintiff GONZALEZ'S Constitutional right to
17 be free from excessive and unreasonable force by peace officers. Defendants
18 intended to violate Plaintiff GONZALEZ'S rights and/or acted with reckless
19 disregard with regard to Plaintiff GONZALEZ'S Constitutional rights, which is
20 evidence that they intended to violate Plaintiff GONZALEZ'S rights.

21 130. The conduct of Defendants was a substantial factor in causing
22 Plaintiff GONZALEZ'S harms, losses, injuries, and damages.

23 131. Defendants CITY and STATE are vicariously liable for the
24 wrongful acts of Defendants SOBAZSEK, REYNOSO, IRICK, and DOES 1-10,
25 their respective employees, pursuant to section 815.2(a) of the California
26 Government Code, which provides that a public entity is liable for the injuries
27 caused by its employees within the scope of the employment if the employee's
28

1 act would subject him or her to liability. Defendants CITY and STATE are
2 vicariously liable under California law and the doctrine of *respondeat superior*.

3 132. The conduct of the individual Defendants was malicious, wanton,
4 oppressive, and accomplished with a conscious disregard for Plaintiff
5 GONZALEZ'S rights, justifying an award of exemplary and punitive damages
6 as to those Defendants.

7 133. Plaintiff GONZALEZ seeks compensatory damages, punitive
8 damages, costs, attorneys' fees, and treble damages under this claim.

PRAYER FOR RELIEF

10 WHEREFORE, Plaintiff GEORGE GONZALEZ requests entry of judgment in
11 his favor and against Defendants STATE OF CALIFORNIA; CITY OF HEMET;
12 PATRICK SOBASZEK; ANDREW REYNOSO; SEAN IRICK; and DOES 1-10,
13 inclusive, as follows:

14 A. For compensatory damages in whatever other amount may be proven at
15 trial, under federal and state law.

16 C. For punitive and exemplary damages against the individual defendants
17 in an amount to be proven at trial.

18 D. For statutory damages.

19 F. For reasonable attorneys' fees, and treble damages, including litigation
20 expenses.

21 || G. For interests and costs of suit; and

22 H. For such further other relief as the Court may deem just, proper, and
23 appropriate.

25 | DATED: March 17, 2025

GRECH, PACKER, & HANKS

By: */s/ Trenton C. Packer*

Trenton C. Packer

Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff GONZALEZ hereby submits this demand that this action be tried in front of a jury.

DATED: March 17, 2025

GRECH, PACKER, & HANKS

By: */s/ Trenton C. Packer*

Trenton C. Packer
Attorneys for Plaintiff